

REMARKS

Claims 1-5 have been examined. Claim 5 has been rejected under 35 U.S.C. § 112, second paragraph, and claims 1-4 have been rejected under 35 U.S.C. § 102(b).

I. Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claim 5 under 35 U.S.C. § 112, second paragraph. In particular, the Examiner maintains that the last portion of claim 5 is indefinite. Accordingly, Applicant has amended claim 5 so as to more positively recite the placement of the panel of tubes. In view of such amendment, Applicant respectfully requests the Examiner to withdraw the rejection.

II. Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-4 under 35 U.S.C. § 102(b) in view of U.S. Patent No. 6,532,905 to Belin et al. ("Belin")

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that two hearths are separated by a divider that extends upward from a bottom portion of a furnace.

The Examiner has not indicated where the claimed divider is taught or suggested in Belin, and Applicant likewise submits that Belin fails to teach or suggest any type of divider that extends upward from a bottom portion of the furnace.

Claim 1 further recites that the panel of tubes extends from a top of the divider towards a ceiling of the furnace.

Since Belin fails to disclose the claimed divider, the reference likewise fails to teach or suggest that the alleged panel of tubes 42 extend from a top of the divider towards a ceiling of the furnace.

In view of the above, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 1.

B. Claims 2-4

Since claims 2-4 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/508,798

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Respectfully submitted,



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Date: April 13, 2006